



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/249,597	02/12/1999	ANDREW P. DOVE	06005/35169	1127

7590 06/29/2005

MARSHALL O'TOOLE GERSTEIN MURRAY & BORUN
6300 SEARS TOWER
233 SOUTH WACKER DRIVE
CHICAGO, IL 606066402

EXAMINER

WU, XIAO MIN

ART UNIT	PAPER NUMBER
----------	--------------

2674

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/249,597

Applicant(s)

DOVE ET AL.

Examiner

XIAO M. WU

Art Unit

2674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2005 and 05 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-72 is/are pending in the application.
- 4a) Of the above claim(s) 31-37, 40, 45, 50, 63 and 66 is/are withdrawn from consideration.
- 5) ☐ Claim(s) 38, 39, 41-44, 46-49, 51-54, 60-62, 64 and 65 is/are allowed.
- 6) ☒ Claim(s) 13-30, 55-59 and 67-72 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/28/05, 5/31/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 13-30, 55-59, 67-72 are rejected under 35 U.S.C. 102(a) as being anticipated by Bauer et al. (A Collaborative Wearable System with Remote Sensing).

As to claims 13, 24, Bauer discloses a wearable computer for user in a process control environment having a process control system including a plurality of process control devices (e.g. computers , routers, network outlets) disposed within the process, the wearable computer comprising: a processing unit (page 13, section 4.1, paragraph 1); a memory; an imaging device (e.g. video camera, scanner sensors) that produces an image signal; an image processor that processes the image signal to identify one of the devices based on a device features (see page 14, sections 4.2); and a soft routine (see page 14, section 4.3) stored in the memory and adapted to be executed one the processing unit to provide process information generated by one or more of the plurality of process control devices during operation of the process (e.g. Bauer discloses an a sensor is a scanner for electronic equipment tags as an object identity to attached to the computer equipment objects, Bauer further discloses a sensor is a packet sniffer, a device that plugs into the network outlets and allows technicians to analyze network packets).

As to claims 14, 25, Bauer discloses a heads up display unit coupled to the image processor that display information pertaining to the identified device on the heads up display (e.g. the user can view the object information when the object is being scanned or plug-in).

As to claim 15, Bauer discloses the information is diagnostic information related to the identified device (e.g. analyze network packets).

As to claim 16, Bauer discloses the help information related to the identified device (e.g. the object location or types).

As to claims 17, 26, Bauer discloses a remote communication device that communicates with the process control system such as the expert in a remote location.

As to claim s18, 27, Bauer discloses using camera to grab an image frame.

As to claims 19, 20, 28, 29, Bauer discloses an optical character recognition device such as an optical scanner.

As to claims 21-23, 30, Bauer discloses voice recognition unit and a microphone (see page 15, section 5).

As to claims 55-59, 67, 69-70, 72, Bauer discloses that the person in the field can communicate with the expert in the office by video image such as the map application which is a shared-window application. For example, the symbols in the map represent various types of network equipment. The network sockets are indicated by stars. Both users can select symbols to indicate which particular piece of equipment they are referring to. Objects can be selected by either scanning the iButton tag attached to a device in the real word, or by clicking on the symbol on the screen. The selections of the local and remote user are indicated by colors; the object that was selected or scanned by the local user is indicated by the color gray, whereas the selection of

Art Unit: 2674

the remote user is displayed in black. Additional information about the selected devices is displayed in the text fields at the bottom of the screen. In other words, the local user and the remote user can both modified the image and sent to each other to view the information he is selected.

As to claims 68, 71, Bauer discloses the ability to control a remote cursor enables users to point at objects in other user's view.

Allowable Subject Matter

3. Claims 38-39, 41-44, 46-49, 51-54, 60-62, 64 and 65 are allowed.

Response to Arguments

4. Applicant's arguments filed 2/28/2005 and 5/5/2005 have been fully considered but they are not persuasive.

Applicant argues that Bauer does not disclose or suggest a system having an image processor to process an image signal to identifying a device based on a device feature. This argument is not persuasive because Bauer clearly discloses using camera and sensors or scanner to identify a device. For example, Bauer discloses using sensors such as proximity sensors, location sensors, and electronic tags for identification of nearby objects, a wear computer can actively gather knowledge and information about its environment and use it for advanced automatic and context-sensitive support of user (page 11, right column). Applicant further argues that Bauer does not provide any capability to provide any process information generated by process control device. This argument is not persuasive because Bauer discloses that the expert can perform test and analyze the status of the network from the office, while the technician in the field rewires cables at a network closest or other computer (page 12, right

Art Unit: 2674

column). With respect to claim 56, 67 and 70, applicant argues that Bauer does not disclose or suggest a system that is capable of receiving an image, enabling a user to make change, such as to highlight or make an area of the image, and sending the image with the changes to one of a wearable computer and an operator workstation. This argument is not persuasive. Bauer discloses "the map application is a shared-window application, so that both users see identical screens... both users can select symbols to indicate which particular piece of equipment they are referring to. Objects can be selected by either scanning the iButton tag attached to a device in the real world, or by clicking on the symbol on the screen. The selections of the local and remote user are indicated by colors: the object that was selected or scanned by the local use is indicated by the color gray, whereas the selection of the remote user is displayed in black. Additional information about the selected devices is displayed in the text fields at the bottom of the screen" (page 14, left column). Thus, it is believed Bauer still read on all the claimed limitations as argued by applicant.

Conclusion

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 2674

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to XIAO M. WU whose telephone number is 571 272-7761. The examiner can normally be reached on 6:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, PATRICK EDOUARD, can be reached on 571 272-7603. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

x.w.

June 24, 2005


XIAO M. WU
Primary Examiner
Art Unit 2674